



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

PARTNERSHIP—ACTION—SERVICE OF PROCESS ON ONE PARTNER.—In an action of trespass against a partnership service was had on one partner only. Judgment for want of appearance was entered by the trial court. *Held*, that said judgment was binding on the firm assets. *Walsh v. Kirby* (1910), — Pa. St. —, 77 Atl. 452.

The weight of authority is that at *law*, in the absence of a statute, service on each partner is a prerequisite to judgment against the firm: *Rice v. Doniphany*, 4 B. Mon. 123; *Faver v. Briggs*, 18 Ala. 478; *Demoss v. Brewster*, 4 Sm. and M. 661; *Peoples Nat. Bank v. Hall*, 76 Vt. 280; *Adam v. Townsend*, 14 Q. B. D. 103; *Feder v. Epstein*, 69 Cal. 457; see also 30 Cyc. 569. It must be borne in mind that there are now statutes in many states allowing such a judgment as in the principal case. But the Pennsylvania court did not place the decision on a statute. In that state by a long line of decisions one partner has implied authority to confess judgment against the firm. (See *Boyd v. Thompson*, 153 Pa. St. 78). The court reasons that if a judgment confessed by a partner is binding, then the partnership should be bound in an adverse proceeding when service is had on that partner. This result seems sound when it is granted that one partner has implied authority to confess judgment against the firm. But this authority is peculiar to Pennsylvania and not in accord with the weight of authority; *MCHM, ELEMENTS OF PARTNERSHIP*, § 179 and cases cited; *CLEMENT BATES LAW OF PARTNERSHIP*, § 377 and cases cited; *Hall v. Lanning*, 91 U. S. 160; *Davenport Mills Co. v. Chambers*, 146 Ind. 156; *Burr v. Mathers*, 51 Mo. App. 470; *Remington v. Cummings*, 5 Wis. 138. Hence it would seem that in the absence of a statute, the decision upon facts like those in the principal case would be different, or at least would be placed on some other ground, in that class of states (and that class includes nearly all of those that have passed on the question) which deny the implied authority of one partner to confess judgment against the firm.

PLEADING—TEST OF CAUSE OF ACTION—INJURIES TO PERSON AND TO PROPERTY.—Plaintiff Ochs while riding in his wagon was run down by a trolley car of defendant company. He was injured in his person, his horse was injured and his wagon damaged. He recovered judgment in a former suit for \$200.75 for injuries to his horse and wagon. In present suit for injuries to his person, *held*, that judgment in the first suit is a complete bar to judgment in the second. *Ochs v. Public Service Ry. Co.* (1910), — N. J. —, 77 Atl. 533.

The courts have divided on the question whether when a single tortious act of defendant injures both the property and person of plaintiff, the latter has one or two causes of action, which he may bring separately. *King v. Chi. etc. R. Co.*, 80 Minn. 83, 82 N. W. 1113, well represents the view of the majority, applying the test that the negligence act determines the cause of action, the injuries to person and property being regarded only as separate items of damage resulting therefrom. The decision in the principal case places New Jersey in the list of states adopting the Minnesota rule. New York in *Reilly v. Sicilian Asphalt Paving Co.*, 170 N. Y. 40, 62 N. E. 772,